

or a pharmaceutically acceptable addition salt and/or hydrate thereof, or where applicable, a geometric or optical isomer or racemic mixture thereof;

wherein

Ar¹ is aryl;

Ar² is aryl;

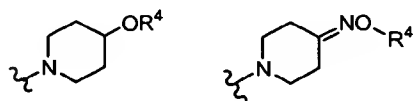
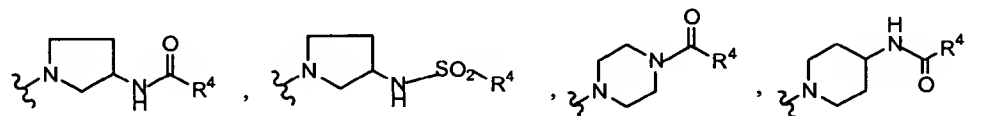
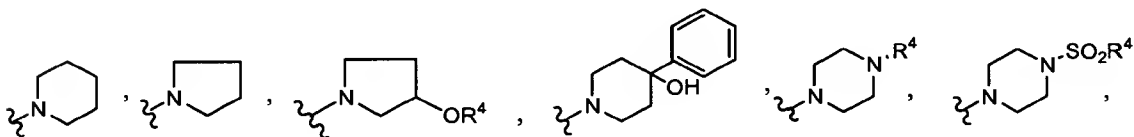
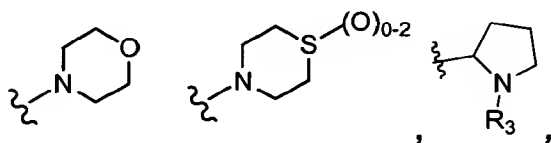
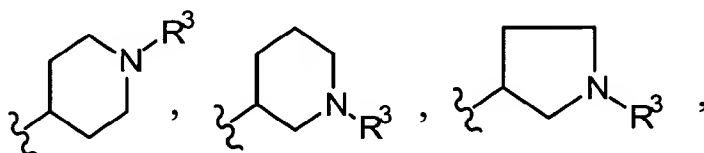
Ar³ is arylene;

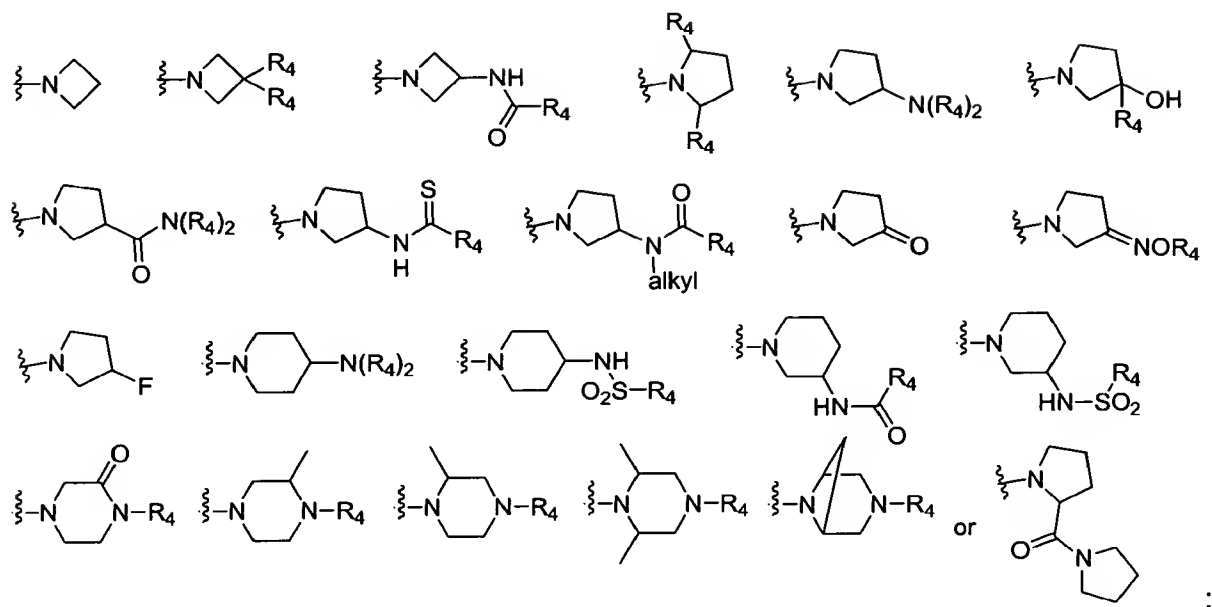
said Ar¹ possesses 0 to 3 substituents independently selected from the group consisting of -(C₁-C₆)alkyl, -(C₃-C₇)cycloalkyl, halo, -CN, -(C₁-C₆)alkoxy, -CF₃, -OCF₃, -CONH₂, -CONH(C₁-C₆)alkyl, -CON(C₁-C₆)alkyl (C₁-C₆)alkyl, -NH₂, -NHC(O)(C₁-C₆)alkyl, -NHSO₂(C₁-C₆)alkyl, -S(C₁-C₆)alkyl, -SO(C₁-C₆)alkyl, -SO₂(C₁-C₆)alkyl, methylenedioxy and NO₂;

X is O;

Y is a single bond or a -(C₁-C₄)alkylene- group;

R¹ is





R² is H or -(C₁-C₆)alkyl;

R³ is independently H, or nonsubstituted or halosubstituted -(C₁-C₆)alkyl, -(C₃-C₇)cycloalkyl, -(C₃-C₇)cycloalkyl(C₁-C₆)alkyl, -(C₁-C₆)alkoxy, -(C₁-C₆)alkoxy (C₁-C₆)alkylene, aryl, -aralkyl or -heteroaralkyl;

R⁴ is H, nonsubstituted or halosubstituted -(C₁-C₆)alkyl, -NH(C₁-C₆)alkyl, -NHaryl, aryl; or alkoxy or hydroxy substituted alkyl, and

R⁵ is independently H, or nonsubstituted or halosubstituted -(C₁-C₆)alkyl, -(C₃-C₇)cycloalkyl, -(C₃-C₇)cycloalkyl(C₁-C₆)alkyl, aryl, -aralkyl, -heteroaralkyl, -(C₁-C₆)alkoxy or (C₁-C₆)alkylene(C₁-C₆)alkoxy.

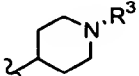
2. (Amended) A compound as defined in Claim 1;

or a pharmaceutically acceptable addition salt and or hydrate thereof, or where applicable, a geometric or optical isomer or racemic mixture thereof;

wherein

Ar¹ and Ar² are independently phenyl or pyridyl,

Ar³ is 1, 4-arylene,

R^1 is  in which R^3 is $-(C_1-C_6)$ alkyl, $-(C_3-C_7)$ cycloalkylmethyl, (C_1-C_6) alkoxy- or (C_1-C_6) alkoxy (C_1-C_6) alkylene-,

R^2 is H,

X is O; and

Y is a single bond or $-(C_1-C_3)$ alkylene.

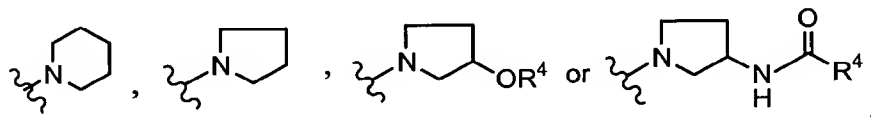
4. (Amended) A compound as defined in Claim 1
 or a pharmaceutically acceptable addition salt and/or hydrate thereof, or
 where applicable, a geometric or optical isomer or racemic mixture thereof;

wherein

Ar^1 and Ar^2 are independently phenyl or pyridyl,

Ar^3 is 1,4-arylene,

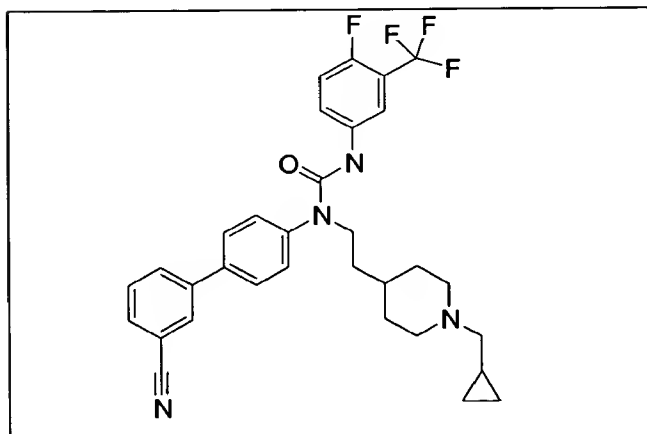
R^1 is selected from

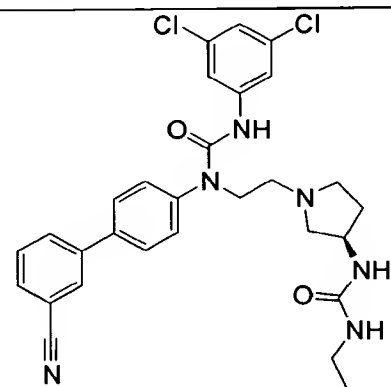
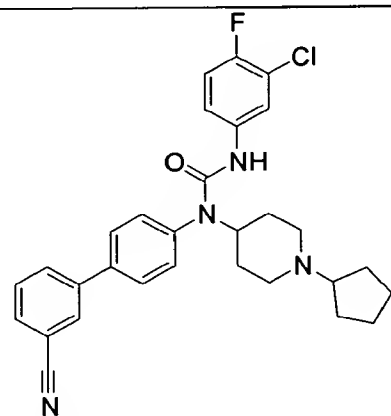
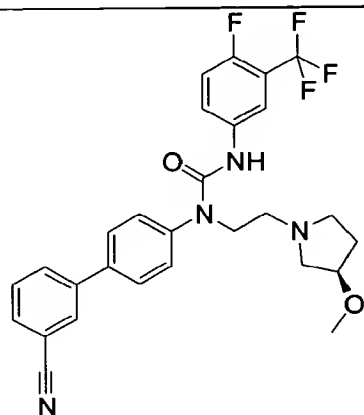
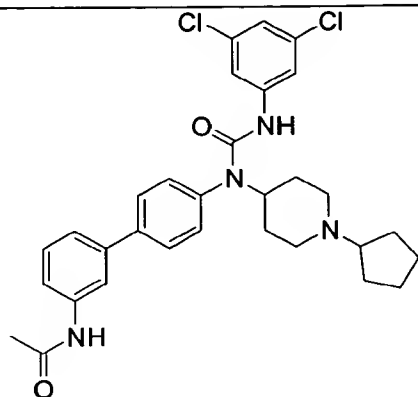


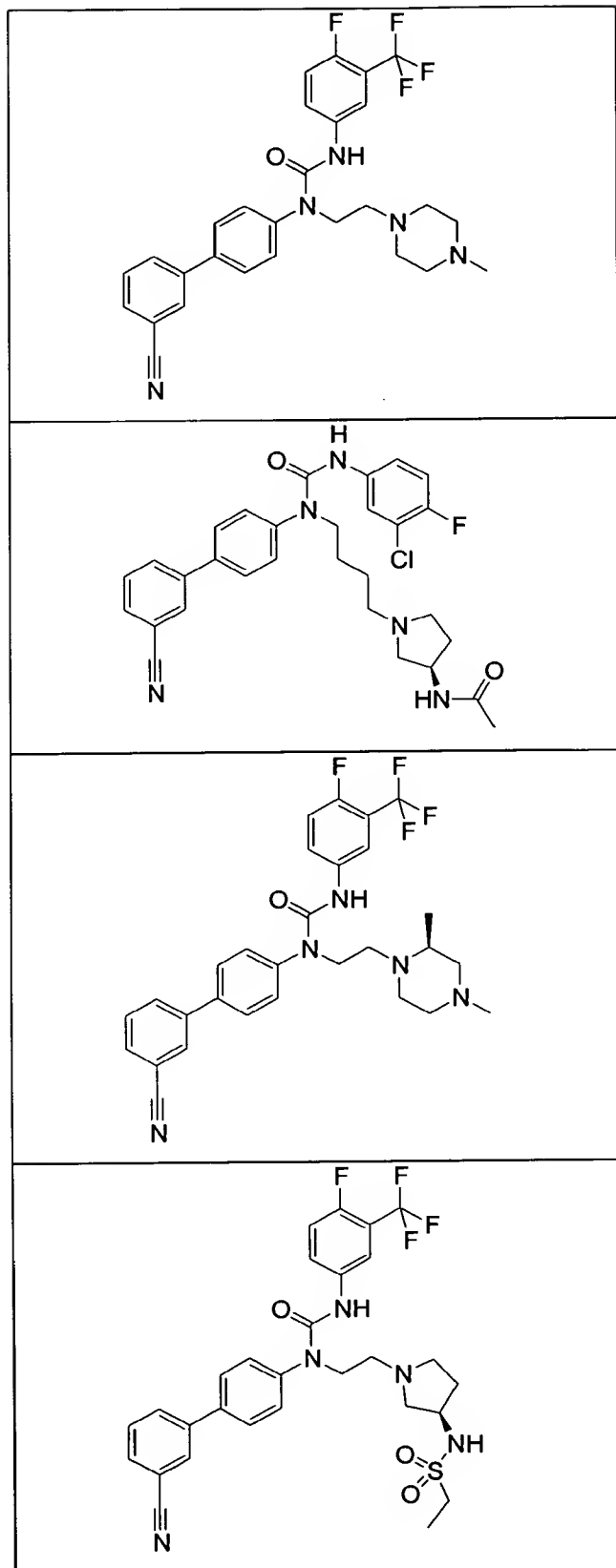
X is O; and

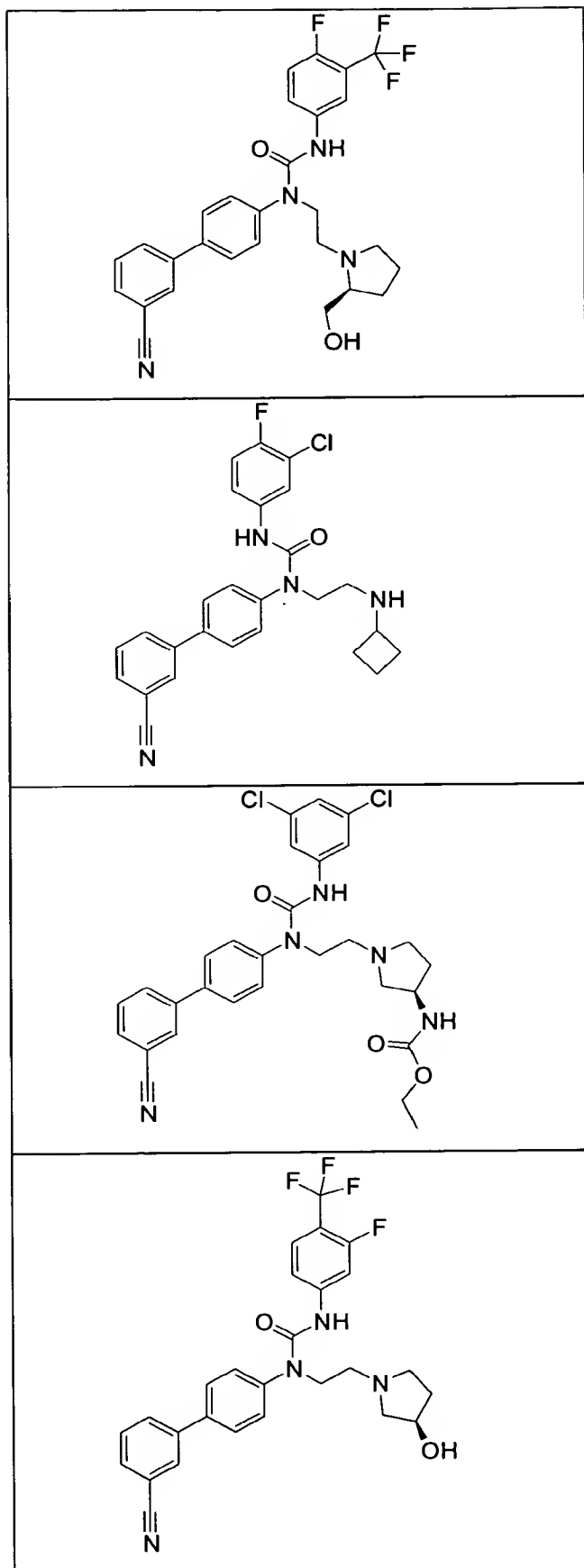
Y is $-(C_2-C_3)$ alkylene.

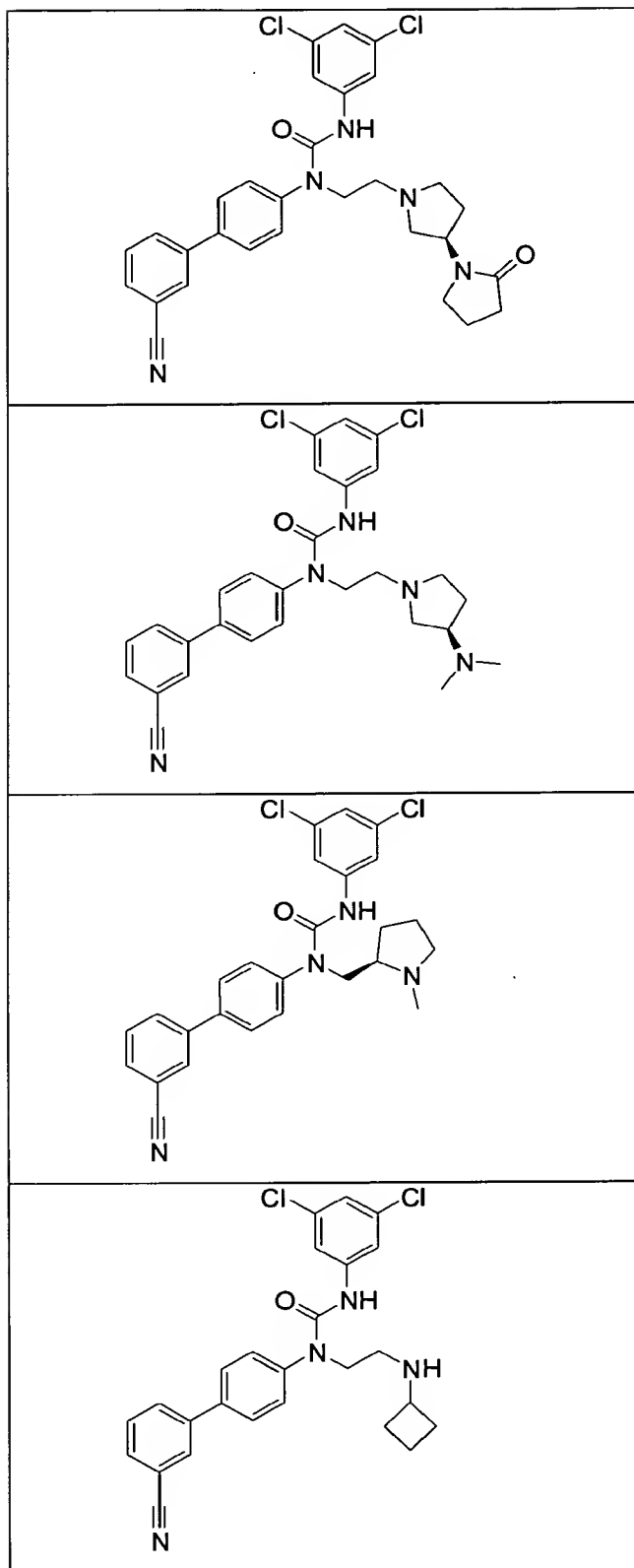
11. (Amended) A compound as defined in Claim 1 selected from the
 group consisting of

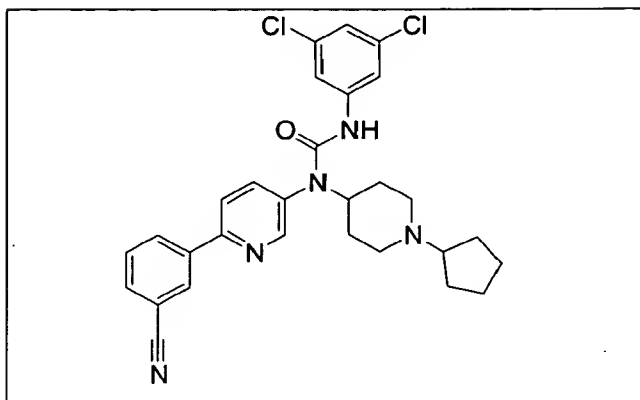












IDS and PTO-1449 Form

As an initial matter, applicants respectfully point out that the Examiner did not initial a return copy of the PTO-1449 form for the Information Disclosure Statement filed on February 28, 2002. Applicants note that some of the references therein listed contained the incorrect publication numbers. Applicants are now submitting a supplemental Information Disclosure Statement along with this response for the Examiner to initial and return to the applicants. The Supplemental IDS PTO-1449 form also lists those references previously cited and incorrectly identified in the February 28, 2002 IDS.

Examiner's Comments Regarding Restriction

The Examiner stated the applicants' traversal of the March 5, 2003 restriction requirement was unpersuasive. The Examiner stated that the restriction requirement is deemed to be proper and is made final.

In response, applicants respectfully argue that the finality of the restriction by the Examiner was improper. In response to the Examiner's request to elect a species, applicants traversed said request in addition to electing a species. However, until the present office action, there has yet to be a determination by the Examiner as to how to restrict the claimed invention. Further, applicants at this time are unclear as to whether the necessary search has been done by the Examiner. Therefore, applicants respectfully request the withdrawal of the finality of the Examiner's so that a proper response to the restriction of the claimed invention can take place.

Status of Claims and Applicants' Response

The Examiner stated that Claims 1-24 are pending in this application. The Examiner stated that Claims 1-11, 12, 14, 20, 22 and 23 (in part) are withdrawn from further consideration by the Examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

The Examiner stated that, the generic concept of the elected subject matter is as follows:

the compound of the formula depicted in claim 1, wherein

X is **O**;

Y is a single bond or (C₁-C₃) alkylene;

R¹ is optionally substituted pyrrolidine;

R² is H or (C₁-C₆)alkyl;

Ar¹ is aryl group having a cyano group as a substituent;

Ar² is aryl group;

and

Ar³ is an aryl group.

The Examiner objected to claims 1-11, 12, 15, 20, 22 and 23 for containing non-elected subject matter (see above). The Examiner stated these claims, as well as claims 13, 15-19 and 21 were drawn solely to the elected invention as identified, *supra*.

In response, applicants agree in part and traverse in part to the Examiner's suggested generic concept of the claimed invention.

Applicants agree with the Examiner's suggested definition of **X**, **R**², **Ar**¹, **Ar**² and **Ar**³. Applicants essentially agree with the Examiner's suggested definition of **Y**, however, applicants feel that **Y** can be a one to four carbon alkylene, as originally claimed in claim 1. Applicants respectfully suggest that **Y** should not be limited to a three-carbon alkylene as suggested by the Examiner.

Applicants have amended claim 1 to claim a group of compounds that are representative of the applicants' elected species. Amended claim 1 claims **R**¹ is an optionally substituted and saturated heterocyclyl ring, typically containing at least one nitrogen, and that **Ar**¹ is an optionally substituted aryl group. Applicants respectfully suggest that amended claim 1 is an appropriate group of compounds to be searched under the Restriction Requirement Rules of the MPEP for the following reasons.

Applicants believe that it would not be an undue burden to search for R¹ groups, where one of the carbons of the heterocyclyl ring have been replaced by a heteroatom such a N, O or S. Also, Applicants respectfully suggest that it would not place an undue burden on the Examiner to search for R¹ heterocyclyl ring groups that may have one more or one less ring atoms than the pyrrolidine of the elected species. Further, applicants respectfully suggest that it would not be an undue burden to search for substituents other than –CN on Ar¹. Applicants look forward to the Examiner's comments regarding the proposed amendments of the pending invention.

Likewise, dependent claims 2, 4 and 11, have been similarly amended in to correct any minor typographical errors and to place them within the scope of amended claim 1.

Applicants respectfully submit that in view of the above amendment, applicants have sufficiently address the Examiner's objection and that the application, as pending, is in condition for allowance and courteously solicit a Notice of Allowance.

If fees are determined to be due by this paper, the Commissioner is hereby authorized to deduct such fees from **Account No. 19-0365**.

In re Application of: **Anandan Palani et al.**
Serial No.: 09/995,949
Filed: 11/28/2001

The Examiner is requested to call the undersigned attorney on any matter connected with this application.

Respectfully submitted,



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Attorney for Applicants
(908) 298-2161

WYL:sa

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WILLIAM Y. LEE
(REGISTERED REPRESENTATIVE)

 6/19/2003
(SIGNATURE AND DATE)